

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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ERIN MCKENNA,

Plaintiff,

v.

SANTANDER INVESTMENT SECURITIES,  
INC., SANTANDER HOLDINGS, USA, INC.  
and OMAR KARIUKI, in his individual and  
professional capacities,

Defendants.  
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Civil Action No.: 21-cv-00941 (DLC)

**DEFENDANTS' OBJECTION TO  
PLAINTIFF'S PROPOSED VOIR  
DIRE QUESTIONS**

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Pursuant to the Scheduling Order entered by this Honorable Court in accordance with Rule 6(B) of the Individual Rules & Practices in Civil Cases [ECF No. 106], Defendants Santander Investment Securities, Inc. (“SIS”), Santander Holdings, USA, Inc. (“SHUSA”),<sup>1</sup> and Omar Kariuki (“Kariuki”) (collectively, “Defendants”) hereby submit their Objections to Plaintiff, Erin McKenna’s (“McKenna” or “Plaintiff”) Proposed Voir Dire Questions [ECF No. 137], dated September 13, 2022, and state as follows:

### **OBJECTIONS**

Defendants previously submitted their Proposed Voir Dire Questions [ECF No. 133] and submits that Defendants’ Proposed Voir Dire Questions should be used by the Court. To the extent the Court considers using a Voir Dire Question proposed by McKenna, Defendants assert the following objections to McKenna’s Proposed Voir Dire Questions.

#### **I. OBJECTIONS TO QUESTIONS IN PART III**

A. Question No. 41 – Have you ever had a despire [sic] with your employer about something other than allegations of discrimination or retaliation? If so, what was it about and how was it resolved?

**OBJECTION:** Defendants object to the ambiguous nature of No. 41.

B. Question No. 74 – Do you believe that people who are sexually assaulted should be blamed for failing to prevent sexual assault?

**OBJECTION:** Defendants object to the ambiguous to No. 74 on the ground that it asks the panel to prejudge the evidence.

C. Question No. 75 – Do you believe that a person who has been sexually assaulted

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<sup>1</sup> SIS and SHUSA together shall be referred to as “Santander.”

can also have negative feelings about other negative events that occur after the assault, even if those things are not as bad as the assault?

**OBJECTION:** Defendants object to No. 75 on the grounds that it asks the panel to prejudge the evidence.

D. Question No. 79 – Do you think it is fair to require employees to give their employees leave to take care of newborn children, even if it costs the employer extra money to do so?

**OBJECTION:** Defendants object to No. 79 on the grounds that it asks the panel to prejudge the evidence.

## **II. RESERVATION OF RIGHTS**

Defendants reserve their right to amend, modify, or supplement their objections to McKenna's Proposed Voir Dire Questions before trial.

Dated: September 20, 2022  
New York, New York

### **NELSON MULLINS RILEY & SCARBOROUGH LLP**

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